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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/976,625
Filing Date: October 11, 2001
Appellant(s): HAINES ET AL.

James D. Shaurette
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 April 2008 appealing from the Office action mailed 16 November 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellants' statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellants' statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,892,317 B1	SAMPATH ET AL	5-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 43-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Sampath et al (USPN 6,892,317 B1).

2. Regarding claim 43, Sampath et al disclose a peripheral device management method performed by a management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1), the method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) for a plurality of peripheral devices of a common network (network 25, col. 4, lines 6-10);

second receiving threshold information regarding a plurality of thresholds corresponding to operations of respective ones of the peripheral devices (having threshold knowledge, col. 2, lines 9-13);

formulating configuration data (prediction analysis, col. 6, lines 3-7) configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds (based on status and threshold information to determine an impending failure, col. 6, lines 17-21, the information of Sampath et al is formulated as useful to the device to help avert a

particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device.);

communicating the configuration data to the peripheral devices using the identification information (forward command controls back to the monitored system(s), col. 7, lines 1-4);

after the communicating, third receiving statuses corresponding to the thresholds from respective ones of the peripheral devices (the monitoring inherently continues even after a feedback cycle);

processing the statuses (col. 7, lines 36-39); and

initiating an action with respect to the statuses of the peripheral devices responsive to the processing (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 44, Sampath et al disclose a method of claim 43 wherein the method is performed by the management apparatus comprising a server (diagnostic server 100, col. 3, line 64, see Fig. 1) in communication with the common network, and wherein the receivings, the formulating, the communicating, the processing and the initiating individually comprise acts performed by the server (col. 3, line 63 – col. 4, line 10).

Regarding claim 45, Sampath et al disclose a method of claim 43 further comprising outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices responsive to the discovery (Sampath et al is designed to be modified to work in an environment of firewalls, col. 2, lines 28-34. A user of the invention of Sampath et al may or may not choose to

design the system to be used with one or more security features such as firewalls. In addition, Examiner notes that customer sites (suppliers or repair agents) may choose to use their own security measures to limit access to their site in this networked environment of Sampath et al).

Regarding claim 46, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of at least some of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating shipment of the consumables (col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions).

Regarding claim 47, Sampath et al disclose a method of claim 46 wherein the processing comprises:

combining the statuses to provide combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device); and

comparing the combined status data with respect to an order threshold, and wherein the initiating the shipment of the consumable comprises initiating responsive to the combined data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 48, Sampath et al disclose a method of claim 47 further comprising defining a plurality of different groups of the peripheral devices, and the combining the statuses

comprises combining the statuses of the peripheral devices of one of the groups (col. 3, lines 6-11).

Regarding claim 49, Sampath et al disclose a method of claim 43 wherein the statuses are indicative of levels of consumables for respective ones of the peripheral devices, wherein the consumables are consumed during operations of respective ones of the peripheral devices, wherein the statuses indicate triggering of the thresholds for respective ones of the peripheral devices, and wherein the initiating comprises initiating outputting of information indicative of the levels of the consumables for communication to an entity (having threshold knowledge, col. 2, lines 9-13).

Regarding claim 50, Sampath et al disclose a method of claim 43 wherein the statuses are individually indicative of triggering of a maintenance threshold indicative of a predetermined amount of operations performed by a respective one of the peripheral devices, and wherein the initiating comprises initiating outputting of a maintenance service request to request maintenance of at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 51, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to replenishment of a consumable for at least one of the peripheral devices (col. 6, lines 58-65).

Regarding claim 52, Sampath et al disclose a method of claim 43 wherein the initiating comprises initiating communication of a request for authorization with respect to performing maintenance for at least one of the peripheral devices (see at least Table 1, col. 7).

Regarding claim 53, Sampath et al disclose a peripheral device consumable management method comprising:

first receiving identification information (inherent, since a diagnostic device must know the identity of the devices it is to monitor) regarding a plurality of peripheral devices individually configured to consume a consumable;

defining a plurality of different groups individually comprising different ones of the peripheral devices (col. 3, lines 6-11; and Sampath et al is a monitoring system designed to monitor one or more electronic systems, col. 3, lines 6-11. One such group is that of a plurality of printers and another group is that of other monitored electronic devices since the invention of Sampath et al doesn't monitor just printers.);

receiving statuses from the peripheral devices indicating replenishment of the. consumable is desired for respective ones of the peripheral devices (col. 1, line 65 – col. 2, line 6 wherein at least one of the data received triggers appropriate actions for monitored devices);

for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device);

comparing the combined status data with respect to a threshold; and initiating an action with respect to replenishment of the consumable for the peripheral devices of the group responsive to the comparing indicating the combined status data triggering the threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 54, Sampath et al disclose a peripheral device consumable management apparatus (diagnostic server 100, col. 3, line 64, see Fig. 1) comprising:

a communications interface (I/O interface 130, Fig. 1) configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices (Sampath et al is a monitoring system that makes requests of information from the monitored peripherals and associated components, see at least the Abstract, and this reads on discovery of the monitored peripherals.); and

processing circuitry (controller 120, col. 5, lines 51-58) coupled with the communications interface and configured to access the identification information and the status information, to process the status information, and to initiate an action with respect to replenishment of the consumable for the at least one of the peripheral devices responsive to the processing of the status information.

Regarding claim 55, Sampath et al disclose an apparatus of claim 54 wherein the communications interface is configured to receive information defining a plurality of thresholds corresponding to levels at which replenishment of the consumable is desired for respective ones of the peripheral devices, and to control the communications interface to output configuration data configured to configure respective ones of the peripheral devices according to respective ones of the thresholds (col. 5, lines 55-57).

Regarding claim 56, Sampath et al disclose an apparatus of claim. 54 wherein the communications interface and the processing circuitry are components of the management apparatus comprising a web server (col. 3, lines 1-5).

Regarding claim 57, Sampath et al disclose an apparatus of claim 54 wherein the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of

instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices (the prior art invention of Sampath et al is designed to work in an environment of firewalls, col. 2, lines 28-34).

Regarding claim 58, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating communication of an order for the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 59, Sampath et al disclose an apparatus of claim 58 wherein the processing circuitry is configured to initiate the action responsive to the processing of the status information indicating the status of the consumable for the at least one of the peripheral devices triggering a threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 60, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry is configured to initiate the action comprising initiating shipment of the consumable (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 61, Sampath et al disclose an apparatus of claim 54 wherein the status information indicates statuses of the consumable for a plurality of the peripheral devices are below respective thresholds for the consumable for respective ones of the peripheral devices, and wherein the processing circuitry is configured to process the status information comprising combining the statuses providing combined status data, and comparing the combined status data to an order threshold, and wherein the processing circuitry is configured to initiate the action responsive to the comparing of the combined status data triggering the order threshold (initiating the order of parts/consumables, col. 7, lines 39-45).

Regarding claim 62, Sampath et al disclose a apparatus of claim 61 wherein the processing circuitry is configured to define a plurality of different groups of the peripheral

devices, and wherein the processing circuitry is configured to combine the statuses of the peripheral devices of one of the groups to provide the combined status data (it is inherent and mandatory that the failing device combine its identifier with its problem status when reporting a problem status. Such a system would be very ineffective if the monitoring/diagnostic system did not know where the problem in such a networked system originated. Sampath et al monitors a plurality of devices and must receive the identifier and status information from the monitored device in order to rectify the problem device).

Regarding claim 63, Sampath et al disclose a method of claim 43 wherein the formulating comprises formulating the configuration data to cause the configuration comprising setting the thresholds of the peripheral devices (information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device).

Regarding claim 64, Sampath et al disclose a method of claim 43 wherein the communicating comprises first communicating the configuration data to an entity for review of the configuration data (data received is reviewed by diagnostic server) and second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity (information of Sampath et al is formulated as useful to the device to help avert a particular failure in the monitored electronic system (e.g., a printer) as it relates to the threshold, col. 6, lines 3-26. As a result of this formulation, the command data (i.e., configuration data) is sent to the monitored electronic system to initiate recalibration (i.e., correction or adjustment of the configuration of the monitored device.).

Regarding claim 65, Sampath et al disclose a apparatus of claim 54 wherein the communications interface (I/O interface 130) outputs the communication to initiate discovery (monitoring of peripherals) of the plurality of peripheral devices of the common network, receives (via data acquisition circuit 140) the identification information of the discovered peripheral devices responsive to the outputting of the communication, and receives the status information regarding the status of the consumable for the at least one of the peripheral devices (Sampath et al is a monitoring system that makes requests of information and receives feedback from the peripherals from the monitored peripherals and associated components, see at least the Abstract, and this reads on discovery of the monitored peripherals. The information is the output to a data acquisition circuit 140 and a copy can also be output to a database 170, col. 5, lines 51-60.

Regarding claim 66, Sampath et al disclose an apparatus of claim 54 wherein the processing circuitry (controller 120, col. 5, lines 51-58) is configured to control the communications interface to output the communication to initiate the discovery of the plurality of peripheral devices (monitoring of peripherals) of the common network.

(10) Response to Argument

VII. ARGUMENT

A. Positively-recited limitations of claims 43-52 and 63-64 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

The diagnostic server 100 of Sampath et al clearly reads on receiving information for a plurality of peripheral devices of a common network. Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. These electronic peripheral devices are defined by Sampath

as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data.

Appellant then states that inherency is improper to use in lieu of the fact that there is no evidence that identification information of a plurality of peripheral devices is received by the diagnostic server in Sampath.

Examiner has explained the use of inherency is proper because in a system that monitors a plurality of devices on a network, the identification of problems in a network must be isolated in order to determine the source of the problem. If a diagnostic server 100 does not know where a problem originates, said diagnostic server 100 cannot determine where to send a solution/fix to the problematic peripheral. If several machines in the network have problems, the diagnostic server must know to send the right remedy to the right machine. The only way to successfully accomplish the task of getting the right remedy to the right machine is to receive the identifier with the machine's status/symptom. Once again, the diagnostic machine must receive the identifier coupled with the problem to be able to send out a remedy to the correct machine. Without receiving the identifier paired with the symptom/fault the diagnostic server cannot send the remedy to the correct machine among a plurality of monitored machines. Since the diagnostic server 100 is receiving feedback from the machines it is monitoring, it is inherently receiving an identifier (e.g., IP address, MAC address, unique network address, machine name, machine number, etc.) to distinguish itself from the other machines on the network that have their own unique problems and data to send to the diagnostic server.

Appellants try to use an alternative such as:

(1)"*Alternatives apart from the claim limitations exist, for example,, where identification information of the devices could initially exist within the management apparatus and there would be no need for the identification information to be received by, the management apparatus.*".

Examiner responds that this is an alternative with little use because the symptom/fault that is fed back to the diagnostic server 100 must be linked to a device identifier to distinguish its payload from other symptoms/faults from the other monitored devices on the network. If the identifier is not received with the accompanying symptom/fault, there is no way to associate the symptom with the guilty machine. It would

be equivalent to a patient calling a doctor with an ailment but the patient never telling the doctor her name. The doctor needs the name to be able to associate a remedy with the correct patient among many monitored patients in his network. While the doctor (management device) may have the patient's records already stored (initially exist) at his office, the doctor needs to know the patient's identity when she reports a problem. If 8 out of 20 printers sent back messages "out of ink", Sampath's system would be disadvantageous in that a technician would have to physically visit each machine to figure out which of the printers are out of ink. For the diagnostic server 100 to do its function successfully, the feedback messages would say "Printer Pr14 - Out of Ink" and "Printer Pr19 - Out of Ink" for the diagnostic server 100 to take appropriate corrective action(s) for the respective printers that are monitored.

Appellants use alternatives (plural) but Examiner sees and responds to the one (1) as stated. It is also inherent and clear that if the diagnostic server is monitoring several devices, which is cited at "Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data." and it is deduced that identification for a plurality of peripheral devices is being received on the common network.

Claim 43 further recites formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds. Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by the prior art.

Examiner responds that the teachings of col. 6, lines 3+ of Sampath illustrate that the diagnostic server 100 is monitoring the failure data so that it can take steps to get the machine back to working order (i.e., configure the machine so that it is working normally). Normal working order would equate to repairing the machine. Repairing a machine is synonymous with configuring a machine or restoring a machine. Sampath, based on a failure detection (i.e., a threshold was tripped that indicates a failure), col. 6, lines 5-7, will do what is necessary to correctively repair the faulty device; corrective repair is

configuration to a working or repaired state. This may be replacing ink that has tripped a low ink or out-of-ink threshold. A correct configuration of a monitored printer would result in full ink cartridges as the corrective repair action. In addition, configuration also may entail recalibration of the monitored electronic device, see col. 7, lines 4-8. The claim is clearly anticipated.

B. Positively-recited limitations of claim 53 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Referring to independent claim 53, the method comprises first receiving identification information regarding a plurality of peripheral devices individually configured to consume a consumable.

Again, the diagnostic server 100 of Sampath et al clearly reads on receiving information for a plurality of peripheral devices of a common network. Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data.

Appelant then states that inherency is improper to use in lieu of the fact that there is no evidence that identification information of a plurality of peripheral devices is received by the diagnostic server in Sampath.

Examiner has explained the use of inherency is proper because in a system that monitors a plurality of devices on a network, the identification of problems in a network must be isolated in order to determine the source of the problem. If a diagnostic server 100 does not know where a problem originates, said diagnostic server 100 cannot determine where to send a solution/fix to the problematic peripheral. If several machines in the network have problems, the diagnostic server must know to send the right remedy to the right machine. The only way to successfully accomplish the task of getting the right remedy to the right machine is to receive the identifier with the machine's status/symptom. Once again, the diagnostic machine must receive the identifier coupled with the problem to be able to send out a remedy to the correct machine. Without receiving the identifier paired with the symptom/fault the diagnostic server cannot send the remedy to the correct machine among a plurality of monitored

machines. Since the diagnostic server 100 is receiving feedback from the machines it is monitoring, it is inherently receiving an identifier (e.g., IP address, MAC address, unique network address, machine name, machine number, etc.) to distinguish itself from the other machines on the network that have their own unique problems and data to send to the diagnostic server.

Claim 53 also recites defining a plurality of different groups individually comprising different ones of the peripheral devices. At page 8 of the Action, the Office relies upon the teachings of col. 3, lines 6-11 of Sampath as teaching these limitations. Appellants initially note that these teachings are from the "Summary of the Invention" section of Sampath as opposed to the "Detailed Description" section of Sampath whose teachings are relied upon as teaching other limitations of the claims. Furthermore, the teachings are void of any reference to "group" or defining a plurality of different groups as claimed.

These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data. A set of printers is a group; a set of printers being monitored is a group. Further the information received from the peripherals are pooled (i.e., combined or grouped) for the printers. Sampath gave an example of the monitored electronic devices as being printers at col. 2, lines 9-13 and col. 6, lines 7-10, but is clear that the invention could be used for copiers, and other electronic devices that can also be seen as groups. Whether Examiner uses the "Summary of the Invention" section of Sampath as opposed to the "Detailed Description", the facts are still part of Sampath's disclosure as prior art. The same information (the teachings of col. 3, lines 6-11) is taught in the "Detailed Description" at col. 3, lines 44-55, col. 4, lines 55-62.

Appellants have electronically searched Sampath and failed to uncover any teachings of "group" let alone the positively-claimed limitations of defining different groups individually comprising different ones of the peripheral devices.

A set of printers is a group; a set of printers being monitored is a group, a plurality of electronic devices being monitored is a group. Further the information received from the peripherals are pooled (i.e., combined or grouped) for the printers. Sampath gave an example of the monitored electronic

devices as being printers at col. 2, lines 9-13 and col. 6, lines 7-10, but is clear that the invention could be used for copiers, and other electronic devices that can also be seen as groups.

Claim 53 further recites for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data. At pages 8-9 of the Office Action, the Office relies upon inherency and states that it is inherent to combine an identifier with a problem status. Appellants respectfully submit that statement by the Office has not been demonstrated to be inherent, but even if the statement was considered to be inherent from the teachings of Sampath, such fails to teach the claimed combining. In particular, claim 53 recites combining the plural statuses of the respective peripheral devices of the group.

Examiner responds that it is clear that Sampath pools failure data which is the same as grouping failure data. Also, the system and methods of Sampath can itemize one or more components within the network that have actually failed, see at least col. 4, lines 62-66. The status information of one or more components is generated, col. 4, lines 55-62 which is all combined and stored in memory 210. An itemized list would identify each component and failure, col. 4, lines 62-66.

Appellants respectfully submit that the alleged inherency of combining an identifier with a status fails to teach the claimed limitations of combining the plural statuses of the plural devices of the group providing combined status data as claimed.

Examiner responds that the status information of one or more components is generated, col. 4, lines 55-62 which is all combined and stored in memory 210. An itemized list would identify each component and failure, col. 4, lines 62-66 which is an itemization of a plurality of failures.

Claim 53 further recites comparing, the combined status data with respect to a threshold. The Office fails to identify any prior art teachings which allegedly disclose the clammed comparing and Appellants have failed to uncover any teachings of the comparing of the combined status data in Sampath.

Examiner responds that the status information is compared to particular threshold information to determine or predict a failure in the monitored electronic systems, see at least col. 6, lines 22-46.

Claim 53 recites initiating an action with respect to replenishment of the consumable responsive to the comparing indicating the combined status data triggering a threshold.

Examiner responds that the status information is may indicate a component failure based on a tripped threshold and an action request would be to replace the failed part(s) of a machine or group of machines, or the consumable that is low or out, see col. 8, lines 13-16.

C. Positively-recited limitations of claims 54-62 and 65-66 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Independent claim 54 recites a peripheral device consumable management apparatus. Claim 54 further recites that the management apparatus comprises a communications interface configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices.

Examiner responds that the diagnostic server 100 of Sampath et al clearly reads on receiving information for a plurality of peripheral devices of a common network. Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network. These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data.

D. Positively-recited limitations of claims 45 and 57 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 45 further defines the method performed by the management apparatus of claim 43 and recites outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to

discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices.

Examiner responds that the prior art invention of Sampath et al is clearly designed to work and perform status and identifier communications in an environment of firewalls, col. 2, lines 28-34.

Claim 57 recites that the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of, instructions configured to cause an entity inside the firewall, to discover presences of the peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices.

Examiner responds that the prior art invention of Sampath et al is clearly designed to work and perform status and identifier communications in an environment of firewalls, col. 2, lines 28-34.

E. Positively-recited limitations of claims 47-48 and 61-62 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

The claims recite combining the statuses for plural peripheral devices to provide combined status data, and comparing the combined status data with respect to an order threshold, and initiating responsive to the combined data triggering the order threshold.

Examiner responds that the status information of one or more components is generated, col. 4, lines 55-62 which is all combined and stored in memory 210. An itemized list would identify each component and failure, col. 4, lines 62-66 which is an itemization of a plurality of failures. When an order threshold is triggered, the diagnostic server 100 will order parts necessary as a result of the order threshold so that the parts are ready before the machine has exhausted its supply, see col. 6, lines 19-31 and col. 6, lines 58-65.

F. Positively-recited limitations of claims 48 and 62 are not disclosed by Sampath and the 102 rejection is improper for at least this reason:

The claims recite defining a plurality of different groups of the peripheral devices, and the combining the statuses comprises combining the statuses of the peripheral devices of one of the groups. The Office has relied upon the teachings of col. 3, lines 6-11 of Sampath as allegedly teaching the above-recited limitations. Appellants note that the Summary of the Invention teachings relied upon by the Office are void of an)/ reference to "group" or defining a plurality of different groups as claimed. Appellants have electronically searched Sampath and failed to uncover any teachings of "group" let alone the positively-claimed limitations of defining different groups of the peripheral devices.

Examiner responds that it is clear that Sampath pools failure data which is the same as grouping failure data. Also, the system and methods of Sampath can itemize one or more components within the network that have actually failed, see at least col. 4, lines 62-66. The status information of one or more components is generated, col. 4, lines 55-62 which is all combined and stored in memory 210. An itemized list would identify each component and failure, col. 4, lines 62-66.

G. Positively-recited limitations of claim 63 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 63 recites that the peripheral device management method performed "by the management apparatus comprises formulating the configuration data to cause the configuration comprising setting the thresholds of the peripheral devices.

Examiner responds that the teachings of col. 6, lines 3+ of Sampath illustrate that the diagnostic server 100 is monitoring the failure data so that it can take steps to get the machine back to working order (i.e., configure the machine so that it is working normally). Normal working order would equate to repairing the machine. Repairing a machine is synonymous with configuring a machine or restoring a machine. Sampath, based on a failure detection (i.e., a threshold was tripped that indicates a failure), col. 6, lines 5-7, will do what is necessary to correctively repair the faulty device; corrective repair is configuration to a working or repaired state. In addition, configuration also may entail recalibration of the monitored electronic device, see col. 7, lines 4-8; recalibration entails returning a device to initial settings. Thresholds are inherently a part of a machine's configuration.

H. Claim 64 recites that the communicating of the peripheral device management method performed by the management apparatus of claim 43 comprises first communicating the configuration data to an entity for review of the configuration data and second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity.

Examiner responds that the teachings of col. 6, lines 3+ of Sampath illustrate that the diagnostic server 100 is monitoring the failure data so that it can take steps to get the machine back to working order (i.e., configure the machine so that it is working normally). Normal working order would equate to repairing the machine. Repairing a machine is synonymous with configuring a machine or restoring a machine. Sampath, based on a failure detection (i.e., a threshold was tripped that indicates a failure), col. 6, lines 5-7, will do what is necessary to correctively repair the faulty device; corrective repair is configuration to a working or repaired state. In addition, configuration also may entail recalibration of the monitored electronic device, see col. 7, lines 4-8; recalibration entails returning a device to initial settings. Thresholds are inherently a part of a machine's configuration.

I. Claim 65 recites the communications interface of the peripheral device consumable management apparatus outputs the communication to initiate discovery of the plurality of peripheral devices of the common network, receives the identification information of the discovered peripheral devices responsive to the outputting of the communication, and receives the status information regarding the status of the consumable for the at least one of the peripheral devices.

Examiner responds that the diagnostic server 100 of Sampath et al clearly reads on receiving information for a plurality of peripheral devices of a common network. Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network. These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data.

J. Positively-recited limitations of claim 66 are not disclosed by Sampath and the tO2 rejection is improper for at least this reason. Claim 86 recites the processing Circuitry of the,peripheral device consumable management apparatus is configured to control the communications interface to output the communication to "initiate the discovery of the plurality of peripheral devices of the common network.

Examiner responds that the diagnostic server 100 of Sampath et al clearly reads on receiving information for a plurality of peripheral devices of a common network. Beginning with the Abstract, Sampath discloses methods for using monitoring data, feedback data, and pooling of failure data from a plurality of electronic devices to diagnose electronic systems on a network. Since Sampath monitors devices on the network, it follows that it discovers/detects devices on the network. These electronic peripheral devices are defined by Sampath as printers at col. 2, lines 6-13 and col. 6, lines 7-13. It clearly reads that the diagnostic server 100 monitors peripheral printers using monitoring data, feedback data and pooling of failure data.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thomas J. Lett/

Examiner, Art Unit 2625

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/Twyler L. Haskins/

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